

REMARKS

This responds to the Office Action dated September 1, 2010.

Claims 1, 14, 27, and 40 are amended, no claims are canceled, and no claims are added; as a result, claims 1-50 are pending in this application.

The Rejection of Claims Under § 101

Claims 40-50 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claim 40 has been amended herein to correct these statutory subject matter issues. The Applicant respectfully requests withdrawal of the §101 rejections.

The Rejection of Claims Under § 103

Claims 1-50 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Odiaka (US Pat. 6,829,347) in view of Brawn et al (US Pat. 7,020,718), hereafter "Brawn."

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of obviousness for at least the following reasons. Even if combined, the cited references fail to teach or suggest all elements of the claimed embodiments.

Applicable Law

"To preclude hindsight in this [obviousness] analysis, this court flexibly seeks evidence from before the time of the invention in the form of some teaching, suggestion, or even mere motivation (conceivably found within the knowledge of an ordinarily skilled artisan) to make the variation or combination." *Rolls-Royce, PLC v. United Technologies Corporation*, Appeal No. 2009-1307 (Fed. Cir. May 5, 2010)

Argument

The Applicant respectfully submits that Odiaka does not disclose or suggest the method, apparatus, or system as claimed. On page 5 of the Office Action, the following is asserted:

11. As to claim 1, Odiaka discloses a computer-implemented method comprising: to parameterize a routing policy, wherein the parameterizing includes identifying one or more common blocks of policy statements within the routing policy

(column 7, lines 1-27 and column 7, Table 1; the system comprises a different "policy profiles" (e.g. table 1) comprised of "Data Fields" and "Values", which read on the claimed "policy statements"), the common blocks of policy statements sharing a similar structure (column 7, lines 1-27 and column 7, Table 1; each of the plurality of profiles comprise common "Data Fields" ("common structure")) (emphasis added)

As such, the Office Action appears to equate the claimed policy statements to mere data fields and values. However, the data fields and values in Odiaka have no associated action or operator to be applied to the data fields and values. In contrast, as recited in amended independent claim 1, 14, 27, and 40 the claimed policy statements include at least one policy statement in the common blocks of policy statements that is an attribute-operator pairing. This aspect of the claimed embodiments is taught in the originally filed specification at, for example, at least pages 2-3. Thus, the policy statements as claimed are not mere data; the claimed policy statements include at least one attribute-operator pairing policy statement. This is a patentable distinction relative to Odiaka. Additionally, the common blocks of policy statements as currently claimed are re-usable constructs that can be used with different sets of parameters.

Odiaka does not disclose or suggest a method, apparatus, or system to parameterize a routing policy, wherein the parameterizing includes identifying one or more common blocks of policy statements within the routing policy, at least one policy statement in the common blocks of policy statements being an attribute-operator pairing, the common blocks of policy statements sharing a similar structure, assigning sets of parameters to elements of the one or more common blocks, at least one common block being re-used with a different assigned set of parameters, and enabling a hierarchical arrangement of the one or more common blocks of policy statements within the routing policy as currently claimed (e.g., see amended claims 1, 14, 27, and 40). Odiaka does not disclose or suggest identifying common blocks of policy statements, wherein at least one policy statement in the common blocks of policy statements is an attribute-operator pairing. Odiaka does not disclose or suggest maintaining common blocks that can be re-used with a different set of parameters. This is clearly different that merely maintaining data fields and values as in Odiaka. Further, as admitted in the Office Action, Odiaka does not disclose or suggest a hierarchical arrangement of common blocks of policy statements. As such, Odiaka does not teach or suggest the presently claimed embodiments of claims 1-50.

Brawn describes a method of creating a discontinuous address plan for an enterprise. The method described in Brawn includes determining a hierarchy of routing optimization for an enterprise, determining a number of route advertisement aggregation points at each level of the hierarchy, determining a number of network security policy areas for the enterprise, and determining a number of addresses for each of the network security policy areas. However, Brawn does not disclose or suggest the elements missing from Odiaka as explained above. In particular, Brawn does not disclose or suggest a method, apparatus, or system to parameterize a routing policy, wherein the parameterizing includes identifying one or more common blocks of policy statements within the routing policy, at least one policy statement in the common blocks of policy statements being an attribute-operator pairing, the common blocks of policy statements sharing a similar structure, assigning sets of parameters to elements of the one or more common blocks, at least one common block being re-used with a different assigned set of parameters, and enabling a hierarchical arrangement of the one or more common blocks of policy statements within the routing policy as currently claimed (e.g., see amended claims 1, 14, 27, and 40).

Accordingly, for the above-stated reasons, Applicant submits that the combination of Odiaka and Brawn does not raise a prima facie case of obviousness against any of the amended independent claims 1, 14, 27, and 40. Claims 2-13, 15-24, 26, 28-39, and 41-50, each of which depends directly or indirectly from amended independent claims 1, 14, 27, and 40, are likewise patentable under 35 U.S.C. § 103(a) over Banks, Nguyen, and/or Green for at least the same reasons set forth for amended independent claims 1, 14, 27, and 40. Accordingly, the Applicant respectfully requests the Examiner to withdraw the obviousness rejections of claims 1-50.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4047 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date December 30, 2010

By



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